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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,825	12/28/2001	Kimihito Yamasaki	4074-2	5543
23117	7590	03/08/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			TRAN, MAI T	
			ART UNIT	PAPER NUMBER
			2129	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,825

Applicant(s)

YAMASAKI ET AL.

Examiner

Mai T. Tran

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A Request for Continued Examination (RCE) under 37 CFR §1.114 of application 10/028825, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, applicants' submission filed on January 30, 2006 has been entered.

Claims 1-2, 4-5, and 6-7 have been amended. Claims **1-9** remain pending in the application and which have been fully considered by the examiner.

PRIORITY

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

CLAIM REJECTIONS - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims **1-2 and 6** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 1-2 and 6 recite the limitations:
 - ❖ “giving a trigger to said composite apparatus” and “when receiving a trigger”: what exact kinds of trigger applicants tried to claim? Is it a switch? Or wires in the electrical circuit? Or a person who stands by and turns on the switch? At

Art Unit: 2129

most, applicants disclosed on page 21, line 2, and page 27, line 7 as “the power is switched on”.

- ❖ “from exterior” and “to exterior”: exterior of what or relative to what? Applicants need to clearly point out where in the specification, the support has been provided for this limitation.

Due to the 35 U.S.C 112 rejections above, the claims have been treated on their merits as best understood by the Examiner.

CLAIM REJECTIONS - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-9** are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuzaki et al (U.S. 5,357,439), hereinafter Matsuzaki.

Claim 1

A managing method for ordering a composite apparatus formed by composing a plurality of units through an ordering apparatus and for managing said ordered composite apparatus, comprising the steps of:

causing said ordering apparatus to receive unit information for specifying units constituting a composite apparatus (col. 1, lines 62-65) and create composite state information for specifying a composite state of units based on the received unit information (col. 2, lines 10-15), according to a predetermined rule (col. 16, lines 49-56);

giving a trigger to said composite apparatus from exterior (Examiner interprets electrical power as a trigger and is inherent in the system);

causing said composite apparatus to, when receiving a trigger (Examiner interprets electrical power as a trigger and is inherent in the system), recognize unit information for specifying units to be composed itself and create composite state information for specifying a composite state of units based on the recognized unit information (col. 2, lines 10-15), according to the same rule as said rule (col. 16, lines 49-56);

causing said composite apparatus to inform the composite state information to exterior (col. 2, lines 10-11); and

comparing the composite state information created by said ordering apparatus and the composite state information informed by said composite apparatus (col. 3, lines 14-19).

Claim 2

A managing system comprising an ordering apparatus and a composite apparatus formed by composing a plurality of units, for ordering said composite apparatus through said ordering apparatus and for managing said ordered composite apparatus, wherein

said ordering apparatus comprises:

means for receiving unit information for specifying units constituting a composite apparatus (col. 1, lines 62-65); and

first creating means for creating composite state information for specifying a composite state of units based on the received unit information (col. 2, lines 10-15), according to a predetermined rule (col. 16, lines 49-56), and

said composite apparatus comprises:

means for receiving a trigger from exterior (Examiner interprets electrical power as a trigger and is inherent in the system);

means for, when receiving a trigger (Examiner interprets electrical power as a trigger and is inherent in the system), recognizing unit information for specifying units to be composed itself (col. 2, lines 10-15);

second creating means for creating composite state information for specifying a composite state of units based on the recognized unit information (col. 2, lines 10-15), according to the same rule as said rule (col. 16, lines 49-56); and

informing means for informing the composite state information to exterior (col. 3, lines 14-19).

Claim 3

The managing system as set forth in Claim 2, wherein said ordering apparatus further comprises storing means for storing the composite state information created by said first creating means in association with composite apparatus information for specifying the composite apparatus (col. 7, lines 2-7).

Claim 4

The managing system as set forth in Claim 3, wherein

said ordering apparatus and said composite apparatus are connected through a communication network (col. 5, lines 58-61),

said informing means of said composite apparatus transmits the composite state information created by said second creating means to said ordering apparatus (col. 3, lines 7-11), and

said ordering apparatus further comprises means for comparing the transmitted composite state information and the composite state information corresponding to the composite apparatus information stored by said storing means (col. 3, lines 14-19).

Claim 5

The managing system as set forth in Claim 2, further comprising a managing apparatus, connected to said ordering apparatus and said composite apparatus through a communication network, for managing said composite apparatus, wherein

said ordering apparatus further comprises means for transmitting the composite state information created by said first creating means and composite apparatus information for specifying the composite apparatus to said managing apparatus (col. 5, lines 58-64),

said informing means of said composite apparatus transmits the composite state information created by said second creating means to said managing apparatus (col. 5, lines 58-64), and

said managing apparatus further comprises means for comparing the composite state information transmitted from said ordering apparatus and the composite state information transmitted from said composite apparatus (col. 3, lines 14-19).

Claim 6

A composite apparatus formed by composing a plurality of units, comprising:

means for receiving a trigger from exterior (Examiner interprets electrical power as a trigger and is inherent in the system);

Art Unit: 2129

means for, when receiving the trigger (Examiner interprets electrical power as a trigger and is inherent in the system), recognizing unit information for specifying units to be composed (col. 2, lines 10-15) itself;

means for creating composite state information for specifying a composite state of units based on the recognized unit information (col. 2, lines 10-15), according to a predetermined rule (col. 16, lines 49-56); and

means for informing the created composite state information to exterior (col. 1 line 68, col. 2 line 1).

Claim 7

An ordering apparatus for ordering a composite apparatus formed by composing a plurality of units, comprising:

means for receiving unit information for specifying units constituting a composite apparatus (col. 1, lines 62-65);

means for creating composite state information for specifying a composite state of units based on the received unit information (col. 2, lines 10-15), according to a predetermined rule (col. 16, lines 49-56); and

means for when receiving composite state information created according to the same rule as said rule and transmitted from the composite apparatus specified by the composite apparatus information stored by a storing means, comparing received composite state information and the composite state information stored in said storing means (col. 3, lines 7-25).

Claim 8

A recording medium on which a computer program is stored, the computer program for ordering a composite apparatus formed by composing a plurality of units, the recording medium causing via the computer program causing steps comprising the following to be performed:

causing a computer to receive unit information for specifying units constituting a composite apparatus (col. 1, lines 62-65);

causing a computer to create composite state information for specifying a composite state of units based on the received unit information (col. 2, lines 10-15), according to a predetermined rule (col. 16, lines 49-56);

causing a computer to store the created composite state information in association with composite apparatus information for specifying the composite apparatus (col. 7, lines 2-7); and

causing a computer to, when receiving composite state information created according to the same rule as said rule and transmitted from the composite apparatus specified by the stored composite apparatus information, compare received composite state information and the stored composite state information (col. 3, lines 7-25).

Claim 9

A memory product readable by computers and storing therein a computer program for ordering a composite apparatus formed by composing a plurality of units, including:

computer readable code means to cause a computer for receiving unit information for specifying units constituting a composite apparatus (col. 1, lines 62-65); Examiner interprets computer readable code means as product steps.

computer readable code means to cause a computer for creating composite state information for specifying a composite state of units based on the received unit information (col. 2, lines 10-15), according to a predetermined rule (col. 16, lines 49-56);

computer readable code means to cause a computer for storing the created composite state information in association with composite apparatus information for specifying the composite apparatus (col. 7, lines 2-7); and

computer readable code means for causing a computer to, when receiving composite state information created according to the same rule as said rule and transmitted from the composite apparatus specified by the stored composite apparatus information, compare received composite state information and the stored composite state information (col. 3, lines 7-25).

RESPONSE TO ARGUMENT

Applicants argue:

1. **Claim 1**: Matsuzaki fails to disclose or suggest “*giving a trigger to said composite apparatus (toy plane in Matsuzaki) from exterior*” and “*causing said composite apparatus (toy plane in Matsuzaki) to, when receiving a trigger, recognize unit information for specifying units to be composed itself and create composite state information for specifying a composite state of units based on the recognized unit information, according to the same rule as said rule; causing said composite apparatus to inform the composite state information to exterior*”

Examiner respectfully disagrees. Examiner interprets electrical power provided from any electrical source such as Power Company as a trigger from exterior and is inherent in the

cited reference. Matsuzaki teaches a manufacturing system and manufacturing method.

One would assume a manufacturing system would use electrical power to function vs. by hand and is related to electrical apparatus. Therefore, providing power to the system is inherent.

“comparing the composite state information created by said ordering apparatus and the composite state information informed by said composite apparatus.” Matsuzaki teaches at col. 3, lines 14-19 a comparison of the composite state information created by said ordering apparatus and the composite state information informed by said composite apparatus. Transmitting the information between ordering department and designing department, a comparison is being made. Examiner wonders where in the Office Action, applicants read the toy plane corresponds to the composite apparatus. Examiner agrees that Matsuzaki does teach “a toy plane” as an example of a product being manufactured. Matsuzaki teaches the entire claimed invention as well.

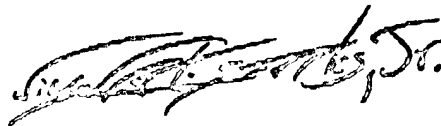
2. **Claims 2, 6, and 7**: all the arguments (i.e. trigger) in these claims have been traversed in claim 1 above.
3. **Claim 8**: Applicants’ conclusory statement does not shift the burden of proof i.e. applicants merely recited the claim limitation and have not provided any supporting or convincing evidence.
4. **Claim 9**: Examiner interprets computer readable code means as product steps and they have all been addressed above.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mai T. Tran whose telephone number is (571) 272-4238. The examiner can normally be reached on M-F 9:00am-- 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



M.T.T
Patent Examiner
Date: 3/4/2006

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